



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 95-1408-UUU)

In the Application of:

Sheppard et al.

Serial No. 10/726,337

Filed: December 2, 2003

For: An Affinity Binding-based System
For Detecting Particulates in a Fluid

Before the Examiner:

Do, Pensee T.

Group Art Unit: 1641

TERMINAL DISCLAIMER

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Petitioner, **TECAN TRADING AG**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,143,247. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,143,247 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,143,247, as presently shortened

McDonnell Boenken Hulbert & Berghoff
300 South Wacker Drive, 32nd Floor
Chicago, Illinois 60606
(312) 913-0001

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by any terminal disclaimer, in the event that U.S. Patent No. 6,143,247 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

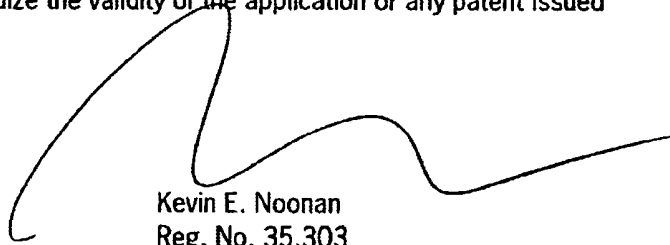
Copies of the assignment documents in the chain of title from the original owner to the assignee are attached, and were recorded in the Patent and Trademark Office at reel 5562 and frame 726-729, reel 7334 and frame 383-385, and reel 6990 and frame 101-105.

The undersigned representative has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10/4/04

DATE



Kevin E. Noonan
Reg. No. 35,303

Attorney of Record
Title

for

TECAN TRADING AG
Seesstrasse 103
Maennedorf 8708
Switzerland
Address

McDonnell Boenken Hulbert & Berghoff
300 South Wacker Drive, 32nd Floor
Chicago, Illinois 60606
(312) 913-0001